



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Attorney Docket No. 14366US02

***In the Application of:***

Ronald L. Mahany and  
Stephen J. Kelly

***U.S. Serial No.:*** 10/646,318

***Filed:*** August 22, 2003

***For:*** HAND-HELD DATA CAPTURE  
SYSTEM WITH  
INTERCHANGEABLE MODULES

***Examiner:*** Tremblay, Mark Stephen

***Group Art Unit:*** 2876

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 28, 2005.

By: Ronald Spuhler  
Ronald H. Spuhler  
Reg. No. 52,245

***Express Mail Label No.*** EV304941648US

**PETITION UNDER 37 CFR § 1.47(a)**

On April 25, 2005, Applicants petitioned the Director to add Keith Cargin as a named inventor. The Director denied Applicants' petition because the newly submitted oath did not include the address or citizenship of Keith Cargin, the non-signing inventor (although such information was included in Applicants' petition). Accordingly, the applicants respectfully resubmitted their petition, under 37 CFR § 1.47(a), to add Keith Cargin as a named inventor. This second submission included a Second Supplemental Declaration for Patent Application, which includee Mr. Cargin's address and citizenship, as requested. Applicants second petition, however, was held in abeyance pending the outcome of Applicants' concurrent petition under 37 CFR § 1.48. Applicants have resubmitted its petition under section 1.48, and thus, resubmits its petition under 37 CFR 1.47(a) for reconsideration.

In December 2002, Broadcom Corporation acquired numerous patents and patent applications from Intermec Technologies. As a result of this transaction, Broadcom acquired ownership of the current application, as further evidenced by the assignment documents attached as Exhibit A. On October 20, 2004, Ronald Spuhler,

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attorney for Broadcom Corporation, submitted a Supplemental Oath and Declaration listing two joint inventors – Ronald Mahany and Stephen Kelly. A copy of this oath is attached as Exhibit B.

It has come to Broadcom's attention that a third inventor, Keith Cargin, should be named as an inventor in the present application. As described in further detail in the attached declaration, Mr. Spuhler has made numerous attempts to contact Mr. Cargin to confirm his role in conceiving and/or reducing to practice the current invention and to request that Mr. Cargin execute the Second Supplemental Combined Declaration and Power of Attorney, which lists Mr. Cargin as a named inventor (a copy of which is attached as Exhibit C). Such attempts, however, have been futile. Mr. Cargin has failed to return any phone calls or respond to any letters, and to date Mr. Cargin has yet to execute the attached Declaration and Power of Attorney. Accordingly, Broadcom respectfully requests that the Office grant this petition to proceed without Mr. Cargin and to enter the enclosed Second Supplemental Combined Declaration and Power of Attorney attached as Exhibit C, which has been executed on behalf of Mr. Cargin by the joint inventors.

The last known address of Keith Cargin is:

Keith K. Cargin  
3219 Blue Ridge Drive NE  
Cedar Rapids, Iowa 52402

Applicants are also aware that Mr. Cargin is employed by Rockwell Collins at the following address:

Keith K. Cargin  
400 Collins Road Northeast  
Cedar Rapids, IA 52498

Support for these factual allegations is further laid out in the Declaration of Ronald H. Spuhler, which is attached as Exhibit D.

The fee for this petition is understood to be \$200.00. 37 CFR § 1.17(g). Please charge this fee, and any additional fee presently required, to Deposit Account 13-0017.

Respectfully submitted,  
McAndrews, Held & Malloy, Ltd.

Dated: November 28, 2005

By: Ronald Spuhler  
Ronald H. Spuhler  
Reg. No. 52,245  
Attorney for applicant(s)

McAndrews, Held & Malloy, Ltd.  
34<sup>th</sup> Floor  
500 West Madison Street  
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Submission of Fax Filed Assignment Serial Number (10/646,318)

I hereby certify that the attached RECORDATION FORM COVER SHEET and ASSIGNMENT is being transmitted via facsimile to the United States Patent and Trademark Office on April 25, 2005.

*Ronald Spuhler*

Ronald H. Spuhler  
Reg. No. 52,245

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4684	TX	01	#406917033065995	APR.25	15:20	017	00H06'50"	ECM	OK

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RECORDATION FORM COVER SHEET

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Barrell L. Boatwright et al.

(See page 2 of this cover sheet for a complete list of conveying parties)

Execution Date(s) See page 2 of this cover sheet

Additional name of conveying party(ies) attached? ☒ Yes ☐ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Government Interest Assignment  
☐ Executive Order 9424, Confirmatory License  
☐ Other \_\_\_\_\_

2. Name and address of receiving party(ies)

Name: Norand Corporation

Internal Address: \_\_\_\_\_

Street Address: 550 Second Street S.E.

City: Cedar Rapids

State: Iowa

Country: USA Zip: 52401

Additional Name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

☐ This document is being filed together with a new application.

A. Patent Application No.(s)

10/646,318

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning this document should be mailed:

Name: Ronald H. Spuhler

Internal Address: McAndrews, Held & Malloy, Ltd.

Street Address: 500 West Madison Street, 34<sup>th</sup> Floor

City: Chicago

State: Illinois Zip: 60661

Phone Number: 312-775-8000

Fax Number: 312-775-8100

Email Address: RSpuhler@mhmlaw.com

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 1.21(h) & 3.41) \$ 40.00

- ☐ Authorized to be charged by credit card  
☒ Authorized to be charged to deposit account  
☐ Enclosed  
☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers \_\_\_\_\_  
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b. Deposit Account Number 13-0017

Authorized User Name McAndrews Held & Malloy, Ltd.

9. Signature :

*Ronald Spuhler*

Signature

April 25, 2005

Date

Ronald H. Spuhler, Reg. No. 52,245

Total number of pages including cover sheet, attachments, and documents

16

Name of Person Signing

MCANDREWS, HELD & MALLOY  
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500 WEST MADISON STREET  
CHICAGO, ILLINOIS 60661

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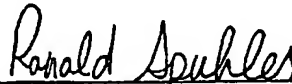
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Submission of Fax Filed Assignment Serial Number (10/646,318)

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4652	TX	01	#786917033065995	APR. 19	14:21	011	00H05'38"	ECM	OK

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1. Name of conveying party(ies)/Execution Date(s):  
Intermec IP Corp.

Execution Date(s) December 24, 2002

Additional name of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Government Interest Assignment  
☐ Executive Order 9424, Confirmatory License  
☐ Other \_\_\_\_\_

2. Name and address of receiving party(ies)

Name: Broadcom Corporation

Internal Address: \_\_\_\_\_

Street Address: 16215 Alton Parkway

City: Irvine

State: California

Country: USA Zip: 92619

Additional Name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

A. Patent Application No.(s)  
10/646,318

☐ This document is being filed together with a new application.

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

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City: Chicago

State: Illinois Zip: 60661

Phone Number: 312-775-8000

Fax Number: 312-775-8100

Email Address: RSpuhler@mhmlaw.com

6. Total number of applications and patents involved:

7. Total fee (37 CFR 1.21(h) & 3.41) \$ 40.00

- ☐ Authorized to be charged by credit card  
☒ Authorized to be charged to deposit account  
☐ Enclosed  
☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers \_\_\_\_\_  
Expiration Date \_\_\_\_\_

b. Deposit Account Number 13-0017

Authorized User Name McAndrews Held & Malloy, Ltd.

9. Signature :

Ronald Spuhler

Signature

April 19, 2005

Date

Ronald H. Spuhler, Reg. No. 52,245

Total number of pages including cover sheet, attachments, and documents

10

Name of Person Signing

## ASSIGNMENT

THIS ASSIGNMENT is made and effective as of the 24<sup>th</sup> day of December, 2002. by INTERMEC IP CORP. (hereinafter referred to as the "ASSIGNOR"), a company organized and existing under the laws of Delaware, having a principal place of business at 21900 Burbank Boulevard, Woodland Hills, CA 91367.

## WITNESSETH

WHEREAS, said ASSIGNOR is the owner of the entire right, title and interest in and to the Patent Applications and Patents in the United States of America and other foreign countries, set forth in Attachment A hereto;

WHEREAS, BROADCOM CORPORATION, a company organized and existing under the laws of Delaware, having a principal place of business at 16215 Alston Parkway, Irvine, California 92619, (the "ASSIGNEE") is desirous of acquiring the entire right, title and interest in and to such Patents Applications and Patents, both from the United States and foreign.

Now therefore, in exchange for receipt of good and sufficient consideration, the receipt and sufficiency of which is hereby acknowledged, and as agreed to by the ASSIGNEE and ASSIGNOR, ASSIGNOR hereby assigns and transfers to ASSIGNEE and ASSIGNEE accepts, all of the rights, title and interest of ASSIGNOR throughout the World in and to any and all inventions claimed or disclosed in such Patents and Patent Applications which are set forth and listed in Attachment A hereto.

This Assignment includes all of ASSIGNOR's right, title and interest in, to and under each of the Patent Applications and Patents set forth and listed in Attachment A hereto (including, without limitation, rights to damages and payments for past, present or future infringements or misappropriations); and, as agreed between the parties, all continuations, continuations-in-part, divisionals, substitute, reexaminations, post-opposition foreign counterpart patents, and applications, reissues and extensions thereof, if any; and, ASSIGNOR requests the Commissioner of Patents of the United States (and all foreign officials, whose duty it is to issue patents on applications as aforesaid) to record ASSIGNEE as the owner of such Patent or Application, to the same extent as held by ASSIGNOR, and to issue the Letters Patent for said Patents to be in the name of the said ASSIGNEE, as an assignee of the Patents.



INTERMEC IP CORP., ASSIGNOR

By: Daniel S. Bishop

BROADCOM CORP., ASSIGNEE

By: [Signature]

County of Los Angeles )  
 ) ss.  
State of California )

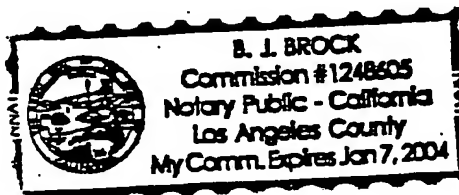
On December 23, 2002, before me, BJ Brock, Notary Public personally

appeared Daniel S. Bishop, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/~~she~~ executed the same in his/~~her~~ authorized capacity, and that by his/~~her~~ signature on the instrument, the entity upon behalf of which he/~~she~~ acted, executed the instrument.

WITNESS my hand and official seal:

BJ Brock


NOTARY PUBLIC

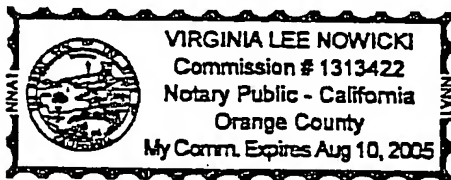


County of Orange                    )  
  ) ss.  
State of California                 )

On January 17, 2003, before me, Virginia Lee Nowicki, Notary Public personally appeared William J Ruehle, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that ~~he/she~~ executed the same in ~~his/her~~ authorized capacity, and that by ~~his/her~~ signature on the instrument, the entity upon behalf of which ~~he/she~~ acted, executed the instrument.

WITNESS my hand and official seal:

  
NOTARY PUBLIC



# ATTACHMENT A

Docket No	Patent No	Serial No	Country	Title
36500	4910794		US	Mobile Radio Data Communication System & Method
36500ZXD		10/057816	US	Remote Radio Data Communication System with Data Rate Switching
36625X	4924462		US	Multiterminal Communication System and Method
37139	5052020		US	Method of and Apparatus for Controlling Modulation of Digital Signals in Frequency-Modulated Transmissions
37139X/CA	2074169		CA	Method of and Apparatus For Controlling Modulation of Digital Signals in Frequency-Modulated Transmissions
36500X	5070536		US	Mobile Radio Data Communication System and Method
	1316218		CA	Mobile Radio Data Communication System and Method
	2223914		GB	Mobile Radio Data Communication System and Method
36767XY	5202817		US	Hand-Held Data Capture System With Interchangeable Modules
36767XZ	5218187		US	Hand-Held Data Capture System with Interchangeable Modules
	678135		AU	Hand-Held Data Capture System with Interchangeable Modules
	69231057.6		DE	Hand-Held Data Capture System with Interchangeable Modules
	573567		GB	Hand-Held Data Capture System with Interchangeable Modules
		2104788	CA	Hand-Held Data Capture System with Interchangeable Modules
	573567		FR	Hand-Held Data Capture System with Interchangeable Modules
37882X	5295154		US	Radio Frequency Local Area Network
36767YXX	5313053		US	Laser Scanner Module Having Integral Interfacing with Hand-Held Data Capture Terminal
36767XZX	5331136		US	Hand-Held Data Capture System with Interchangeable Modules
38127		08/513658	US	Modular, Portable Data Processing Terminal For use in a Communication Network
37139XX	5365546		US	Method of and Apparatus for Controlling Modulation of Digital Signals in Frequency Modulated Transmissions
37882YC	5394436		US	Radio Frequency Local Area Network
36767XB		08/478488	US	Hand-Held Data Capture System with Interchangeable Modules
36767XYA	5418684		US	Hand-Held Data Capture System with Interchangeable Modules
37834ZX	5425051		US	Radio Frequency Communication Network Having Adaptive Parameters
37882XA	5428636		US	Radio Frequency Local Area Network
36500XXX	5483676		US	Mobile Radio Data Communication System and Method
INT094-04	5495500		US	Homodyne Radio Architecture for Direct Sequence Spread Spectrum Data Reception
37972C	5500872		US	Spread Spectrum Base Band Processor

Docket No	Patent No	Serial No	Country	Title
37882YAX	5504746		US	Radio Frequency Local Area Network
DN		02012917.7	EP	Radio Frequency Local Area Network
37882YPCT				
	664864		AU	Radio Frequency Local Area Network
	701114		AU	Radio Frequency Local Area Network
36808XYC	5515303		US	Hand-held Computerized Data Collection Terminal with Rechargeable Battery Pack Sensor and Battery Power Conservation
36808XYE		08/921485	US	Hand-Held Computerized Data Collection Terminal
36767XYC	5530619		US	Hand-held Data Capture System with Interchangeable Modules and Side-Mounted Function Key
37940E	5539193		US	Modular Hand-Held Data Entry System
37940F	5539194		US	Modular Hand-Held Data Entry System
38050B	5546397		US	High Reliability Access Point for Wireless Local Area Network
38050BB		09/357429	US	Local Area Network Having Multiple Channel Wireless Access
37139XXA	5555276		US	Method of and Apparatus for Controlling Modulation of Digital Signals in Frequency - Modulated Transmissions
INT093-49	5565670		US	Cordless RF Link for Bar Code Input Device Modulating Impulses Corresponding to Data State Transitions
36767XZXX	5567925		US	Hand-Held Data Capture System with Interchangeable Modules
37998XB	5574979		US	Periodic Interference Avoidance in a Wireless Radio Frequency Communication System
38017	5590346		US	Antenna Cap for Computer Device Utilizing a Radio Card
INT093-09C	5602380		US	Barcode Scanner-Reader Wireless Infrared Link
37967B	5602854		US	Wireless Personal Local Area Network Utilizing Removable Frequency Modules with Digital Interfaces and Idle Sense Communication Protocol
INT090-05C	5610595		US	Packet Radio Communication System Protocol
38157	5627412		US	Dynamically Switchable Power Supply
38157XA		09/735406	US	Battery Powered Device with Dynamic Power and Performance Management
37998XD	5657317		US	Hierarchical Communication System Using Premises, Peripheral and Vehicular Local Area Networking
37882AXX	5673031		US	Redundant Radio Frequency Network Having a Roaming Terminal Communication Protocol
37882AAYC		09/960265	US	Redundant Radio Frequency Network Having a Roaming Terminal Communication Protocol
37977B	5679943		US	Hand-Held Terminal with Display Screens, Interactive Screens, Magnetic Credit Card Readers, Scanners, Printers and Handlers
36767XZAB	5680633		US	Modular, Portable Data Processing Terminal for use in a Radio Frequency Communication Network

Docket No	Patent No	Serial No	Country	Title
38163AY		08/973195	US	Spread Spectrum Transceiver Module Utilizing Multiple Mode Transmission
37967C	5682379		US	Wireless Personal Local Area Network
	696841		AU	Wireless Personal Local Area Network
		2152598	CA	Wireless Personal Local Area Network
		94905966.1	EP	Wireless Personal Local Area Network
37967X		08/499328	US	Transaction Control System Including Portable Data Terminal and Mobile Customer Service Station
37998G	5696903		US	Hierarchical Communications System using Microlink, Data Rate Switching, Frequency Hopping and Vehicular Local Area Networking
INT094-11	5703950		US	Method and Apparatus for Controlling Country Specific Frequency Allocation
37834YYB	5708680		US	Network Utilizing a Controller and Base Transceivers to Route Voice Packets
38000FB	5708833		US	Antenna Cap, Antenna Connectors and Telephone Line Connectors for Computer Devices Utilizing Radio and Modem Cards
38000FBA		09/006566	US	Antenna Cap, Antenna Connectors and Telephone Line Connectors for Computer Utilizing Radio and Modem Cards
37998XG	5726984		US	Hierarchical Data Collection Network Supporting Packetized Voice Communications Among Wireless Terminals and Telephones
38099A	5734585		US	Method and Apparatus for Sequencing Power Delivery in Mixed Supply Computer Systems
37882YD	5740366		US	Communication Network Having a Plurality of Bridging Nodes which Transmit A Beam to Terminal Nodes in Power Saving State that it Has Messages Awaiting Delivery
36808YXCB	5747786		US	Communication Module for a Data Capture System
38009EA	5748619		US	Communication Network Providing Wireless and Hard-Wired Dynamic Routing
	679593		AU	Communication Network Providing Wireless and Hard-Wired Dynamic Routing
38000G/EP		94916663.1	EP	Multiple Antenna Selection and Antenna Cap for Computer Devices Utilizing Radio and Modem Cards
38072	5748676		US	Network Utilizing Modified Preambles that Support Antenna Diversity
37998XE	5790536		US	Hierarchical Communication System Providing Intelligent Data, Program and Processing Migration
	700800		AU	Hierarchical Communication System Providing Intelligent Data, Program and Processing Migration
	715628		AU	Hierarchical Communication System Providing Intelligent Data, Program and Processing Migration
37998XE/EP		95927421.8	EP	Hierachical Communication System Providing Intelligent Data Program

Docket No	Patent No	Serial No	Country	Title
				and Processing Migration
37998XEB		09/723930	US	Hierarchical Communications System
37967XA		09/123875	US	Enhanced Mobility and Address Resolution in a Wireless Premises Based Network
36837E	5805807		US	Multilevel Data Communication System Including Local and Host Systems
37834YYA	5844893		US	System for Coupling Host Computer Means with Base Transceiver Units on a Local Area Network
37834YY1		09/972749	US	System for Coupling a Multiplicity of RF Data Collection Terminals with Host Computer Means
37834ZXA	5862171		US	Radio Frequency Communication Network Having Adaptive Communication Parameters
37834ZXC		09/799340	US	Radio Frequency Communication Network Having Adaptive Communication Parameters
38017A	5870279		US	Antenna Cap for Computer Device Utilizing a Radio Card
38066X	5880867		US	Infrared Backbone Communication Network Having a Radio Frequency Backup Channel
38066A	5880868		US	Infrared Backbone Communication Network Having a Radio Frequency Backup Channel
36500YZCXA	5896561		US	Communication Network Having a Dormant Polling Protocol
36767XYD	5898162		US	Hand-Held Data Capture System with Interchangeable Module
INT096-32	5912921		US	Concurrent Multiple Data Rate Communications in a Wireless Local Area Network
37139XXB	5912926		US	Method and Apparatus for Controlling Modulation of Digital Signals in Frequency Modulated Transmissions
37940G	5917175		US	Modular Hand-Held Data Entry System with Voice Interface
INT094-11C	5940509		US	Method and Apparatus for Controlling Country Specific Frequency Allocation
37834XXBX	5940771		US	Network Supporting Roaming, Sleeping Terminals
37834XXBY		09/318668	US	Network Supporting Roaming, Sleeping Terminals
INT096-30	5946344		US	Multiple-Rate Direct Sequence Architecture Utilizing a Fixed Chipping Rate and Variable Spreading Code Lengths
INT 096-30JP		10-542772	JP	Multiple-Rate Direct Sequence Architecture Utilizing a Fixed Chipping Rate and Variable Spreading Code Lengths
37998XDA	5949776		US	Hierarchical Communication System using Premises, Peripheral and Vehicular Local Area Networking
38050BAY	5960344		US	Local Area Network Having Multiple Channel Wireless Access
INT096-25	5982812		US	Method and Apparatus for Monitoring Frequency Synthesizer Locking Time
38190R	5990733		US	Delay Line Ramp Demodulator
38000EA	5991864		US	Power Connectors, Antenna Connectors and Telephone Line Connectors

Docket No	Patent No	Serial No	Country	Title
				for Computer Devices Utilizing Radio and Modem Cards
INT097-06	6005530		US	Switched Gain Antenna for Enhanced System Performance
INT095-35	6005885		US	Methodology for Discontinuous Radio Reception Utilizing Embedded Frame Length Words
36649XZC	6006100		US	Multi-Level, Hierarchical Radio-Frequency Communication System
		96116280.7	EP	
	641541		AU	Multi-Level, Hierarchical Radio-Frequency Communication System
	494298		GB	Multi-Level, Hierarchical Radio-Frequency Communication System
	494298		DE	Multi-Level, Hierarchical Radio-Frequency Communication System
	494298		ES	Multi-Level, Hierarchical Radio-Frequency Communication System
	494298		FR	Multi-Level, Hierarchical Radio-Frequency Communication System
	494298		IT	Multi-Level, Hierarchical Radio-Frequency Communication System
	494298		NL	Multi-Level, Hierarchical Radio-Frequency Communication System
36649XZD		09/467255	US	Multi-Level, Hierarchical Radio-Frequency Communication System
INT096-29	6009119		US	Adaptive Power Leveling of an RF Transceiver Utilizing Information Stored in Non-Volatile Memory
36767XZAC	6014705		US	Modular Portable Data Processing Terminal Having A Higher Layer and Lower Layer Partitioned Communication Protocol Stack for use in a Radio Frequency Communication Network
36767XZAE		09/597917	US	Modular Portable Data Processing Terminal for use in a Radio Frequency Communication Network
38072A	6018555		US	Network Utilizing Modified Preambles that Support Antenna Diversity
36808YXCD	6023147		US	Hand-Held Computerized Data Collection Terminal with Rechargeable Battery Pack Sensor and Battery Power Conservation
37882YAYA	6046992		US	A Radio Frequency Local Area Network
37882YAYB		09/542424	US	A Radio Frequency Local Area Network
INT096-31	6075807		US	Windowed Digital Matched Filter Circuit for Power Reduction in Battery-Powered CDMA Radios
37882XBA	6084867		US	Apparatus and Method of Routing Data in a Radio Frequency Local Area Network
36837EA	6192400		US	Multilevel Data Communication System Including Local and Host Systems
36767XYE	6244512		US	Hand-Held Data Capture System with Interchangeable Modules
38234RX	6281850		US	Broadband Multiple Element Antenna System
INT097-02	6320896		US	RF Receiver Having Frequency-Hopping/Direct-Sequence Spread Spectrum Signal Discrimination
INT097-03	6327312		US	RF Narrowband/Wideband Discriminating System for Spread Spectrum Signal Differentiation
37967CA	6359872		US	Wireless Personal Local Area Network



Docket No	Patent No	Serial No	Country	Title
37967CAA		10/101436	US	Wireless Personal Local Area Network
37882YE	6374311		US	Radio Frequency Local Area Network
37882YEA		10/123873	US	Radio Frequency Local Area Network
37998XGA	6389010		US	Hierarchical Data Collection Network Supporting Packetized Voice Communications Among Wireless Terminals and Telephones
37998XGB		10/141506	US	Hierarchical Data Collection Network Supporting Packetized Voice Communications Among Wireless Terminals and Telephones
37882XBB	6400702		US	A Radio Frequency Local Area Network
37882XBC		10/162229	US	Radio Frequency Local Area Network
38009EBA	6407991		US	Communication Network Providing Wireless and Hard-Wired Dynamic Routing
38009EBB		10/144250	US	Communication Network Providing Wireless and Hard-Wired Dynamic Routing



MCANDREWS, HELD & MALLOY  
34TH FLOOR  
500 WEST MADISON STREET  
CHICAGO, ILLINOIS 60661

ARO PLEASE DELIVER RETURN RECEIPT TO  
Laura Personick

TELEPHONE: (312) 775-8000

FACSIMILE: (312) 775-8100

## Certificate of Transmission under 37 CFR 1.8

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TO: Mail Stop Assignment Recordation Services

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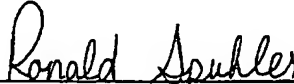
FROM: Ronald H. Spuhler USER ID: 8210

CLIENT: 1772 MATTER: 14366US02

Number of Pages This Transmission (Including Cover Page): 5

Submission of Fax Filed Assignment Serial Number (10/646,318)

I hereby certify that the attached RECORDATION FORM COVER SHEET and ASSIGNMENT is being transmitted via facsimile to the United States Patent and Trademark Office on April 25, 2005.

  
Ronald H. Spuhler  
Reg. No. 52,245

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### TX RESULT REPORT

NAME:  
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SESSION	FUNCTION	NO.	DESTINATION STATION	DATE	TIME	PAGE	DURATION	MODE	RESULT
4685	TX	01	#904917033065995	APR. 25	15:27	005	00H01'32"	ECN	OK

14366US02

RECORDATION FORM COVER SHEET

PATENTS ONLY

To the Director of the U.S. Patents and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)/Execution Date(s):

Norand Corporation

Execution Date(s) \_\_\_\_\_

Additional name of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies)

Name: Intermec Technologies Corporation

Internal Address: \_\_\_\_\_

Street Address: 6001 36<sup>th</sup> Avenue West

City: Everett

State: Washington

Country: USA Zip: 98203-9280

Additional Name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☐ Assignment ☒ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Government Interest Assignment  
☐ Executive Order 9424, Confirmatory License  
☐ Other Effective Date: 12/28/97

4. Application number(s) or patent number(s):

☐ This document is being filed together with a new application.

A. Patent Application No.(s)

10/646,318

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning this document should be mailed:

Name: Ronald H. Spuhler

Internal Address: McAndrews, Held & Malloy, Ltd.

Street Address: 500 West Madison Street, 34<sup>th</sup> Floor

City: Chicago

State: Illinois Zip: 60661

Phone Number : 312-775-8000

Fax Number: 312-775-8100

Email Address: RSpuhler@mhmlaw.com

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 1.21(h) & 3.41) \$ 40.00

- ☐ Authorized to be charged by credit card  
☒ Authorized to be charged to deposit account  
☐ Enclosed  
☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers \_\_\_\_\_  
Expiration Date \_\_\_\_\_

b. Deposit Account Number 13-0017

Authorized User Name McAndrews Held & Malloy, Ltd.

9. Signature :

Ronald Spuhler  
Signature

April 25, 2005

Date

Ronald H. Spuhler, Reg. No. 52,245

Total number of pages including cover sheet, attachments, and documents

4

Name of Person Signing

# STATE of WASHINGTON



## SECRETARY of STATE

I, RALPH MUNRO, Secretary of State of the State of Washington and custodian of its seal,

hereby certify this certificate that the attached is a true and correct copy of

ARTICLES OF MERGER

of

INTERMEC TECHNOLOGIES CORPORATION

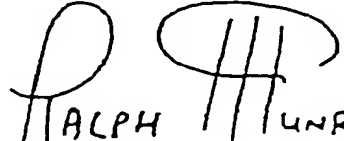
Merging NORAND CORPORATION into INTERMEC TECHNOLOGIES  
CORPORATION

as filed in this office on December 22, 1997



Date: May 13, 1998

Given under my hand and the Seal of the State  
of Washington at Olympia, the State Capital

  
RALPH MUNRO

Ralph Munro, Secretary of State

PATENT

REEL: 010814 FRAME: 0909

NORAND CORPORATION

AND

INTERMEC TECHNOLOGIES CORPORATION

STATE OF WASHINGTON

DEC 27 1997

RALPH M. JONES  
SECRETARY OF STATE

12/23/1997 - 9

Pursuant to the provisions of RCW 23B.11.040, the following Articles of Merger are executed for the purpose of merging Norand Corporation, a Delaware corporation ("Norand") and a wholly-owned subsidiary of Intermec Technologies Corporation, a Washington corporation ("Intermec"), with and into Intermec.

1. The Plan of Merger (the "Plan"), which has been adopted by the Board of Directors of Intermec, is attached hereto as Exhibit A.
2. Pursuant to the provisions of RCW 23B.11.040, the Plan does not require the approval of the shareholders of either Norand or Intermec.

DATED: December 16, 1997.

INTERMEC TECHNOLOGIES  
CORPORATION

By

  
Michael Ohanian, President

SEATTLE 295387-01

1997 3312 09000 000

PATENT  
REEL: 010814 FRAME: 0910

PLAN OF MERGER

1. The names of the corporations proposing to merge are Norand Corporation, a Delaware corporation ("Norand") and a wholly-owned subsidiary of Intermec Technologies Corporation, a Washington corporation ("Intermec"), and Intermec.
2. When the merger becomes effective, each outstanding share of common stock of Norand shall be canceled.
3. When the merger becomes effective, without further act, all other effects of merger as set forth in RCW 23B.11.060 shall occur.
4. It is the intention of Norand and Intermec that the merger shall be a tax-free liquidation pursuant to the applicable provisions of the Internal Revenue Code of 1986, as amended.
5. The merger shall become effective at 12:00 p.m., Pacific Standard Time, December 28, 1997.

DATED. November 1, 1997.

INTERMEC TECHNOLOGIES  
CORPORATION

By: Michael Ohanian  
Michael Ohanian, President

SEATTLE:293094-02

1997 3312 09-85 003

RECORDED: 05/16/2000

PATENT  
REEL: 010814 FRAME: 0911

MCANDREWS, HELD & MALLOY  
34TH FLOOR  
500 WEST MADISON STREET  
CHICAGO, ILLINOIS 60661

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TO:	Mail Stop Assignment Recordation Services		
	FAX NO.:	703-306-5995	
FROM:	Ronald H. Spuhler	USER ID:	8210
CLIENT:	1772	MATTER:	14366US02

Number of Pages This Transmission (Including Cover Page): 6

Submission of Fax Filed Assignment Serial Number (10/646,318)

I hereby certify that the attached RECORDATION FORM COVER SHEET and ASSIGNMENT is being transmitted via facsimile to the United States Patent and Trademark Office on April 25, 2005.

*Ronald Spuhler*

Ronald H. Spuhler  
Reg. No. 52,245

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### TX RESULT REPORT

NAME:  
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DATE: APR. 25 '2005 15:31

SESSION	FUNCTION	NO.	DESTINATION STATION	DATE	TIME	PAGE	DURATION	MODE	RESULT
4686	TX	01	#411917033065995	APR. 25	15:29	006	00H01'47"	ECN	OK

14366US02

RECORDATION FORM COVER SHEET  
**PATENTS ONLY**

To the Director of the U.S. Patents and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)/Execution Date(s):  
Intermec Technologies Corporation

Execution Date(s) \_\_\_\_\_

Additional name of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Government Interest Assignment  
☐ Executive Order 9424, Confirmatory License  
☐ Other \_\_\_\_\_

2. Name and address of receiving party(ies)

Name: Intermec IP Corp.

Internal Address: \_\_\_\_\_

Street Address: 6001 36<sup>th</sup> Avenue West

City: Everett

State: Washington

Country: USA Zip: 98203-9280

Additional Name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

☐ This document is being filed together with a new application.

A. Patent Application No.(s)  
10/646,318

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning this document should be mailed:

Name: Ronald H. Spuhler

Internal Address: McAndrews, Held & Malloy, Ltd.

Street Address: 500 West Madison Street, 34<sup>th</sup> Floor

City: Chicago

State: Illinois Zip: 60661

Phone Number: 312-775-8000

Fax Number: 312-775-8100

Email Address: RSpuhler@mhmlaw.com

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 1.21(h) & 3.41) \$ 40.00

- ☐ Authorized to be charged by credit card  
☒ Authorized to be charged to deposit account  
☐ Enclosed  
☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers \_\_\_\_\_  
Expiration Date \_\_\_\_\_

b. Deposit Account Number 13-0017

Authorized User Name McAndrews Held & Malloy, Ltd.

9. Signature :

Ronald Spuhler  
Signature

April 25, 2005

Date

Ronald H. Spuhler, Reg. No. 52,245

Total number of pages including cover sheet, attachments, and documents

5

Name of Person Signing

WHEREAS, Norand Corporation, formerly a corporation of Delaware with an office at 550 2nd Street S.E., Cedar Rapids, Iowa, has been merged into Intermec Technologies Corporation, a corporation of the State of Washington having an office at 6001 36th Avenue West, Everett, Washington 98203-9280 ("the Assignor");

WHEREAS, Norand Technology Corporation, formerly a corporation of Delaware with a registered office at 1013 Centre Road, Wilmington, Delaware, has been merged into Intermec IP Corp., a corporation of the State of Delaware having an office at 21900 Burbank Boulevard, Woodland Hills, California 91367-7418 ("the Assignee"), and by virtue of this merger with Assignee all right, title and interest in inventions and improvements assigned by Norand Corporation to Norand Technology Corporation prior to this merger, together with patents and patent applications based thereon, has already been vested in Assignee;

WHEREAS, by virtue of the merger with the Assignor, all right, title and interest in inventions and improvements originating with inventors having an obligation to assign to Norand Corporation together with United States and foreign patent applications based thereon, including all substitutions, divisionals and continuations, and all Letters Patent, United States and foreign, based thereon, including all extensions, reexaminations and reissues, (hereafter "Norand Corporation Patent Property"), has been vested in the Assignor, except as already vested in the Assignee as aforesaid; and remains vested in the Assignor except as heretofore assigned to the Assignee; said Norand Corporation Patent Property including the patents and patent applications shown on the attached PATENT LIST of APPENDIX A and PATENT APPLICATION LIST of APPENDIX B, and substitutions, divisionals and continuations thereof, and all Letters Patent, United States and foreign, based thereon, including extensions, reexaminations and reissues; and

WHEREAS, the Assignor desires to assign to the Assignee all its remaining right, title and interest in said Norand Corporation Patent Property together with any and all substitute, divisional and continuation applications, and any and all Letters Patent of the United States and foreign countries which may be obtained based thereon

IntermecIPAssign2.doc



NOW, THEREFORE, for value and consideration, receipt of which is hereby acknowledged, the Assignor hereby sells, assigns and transfers to the Assignee its successors and assigns, its entire remaining right, title and interest in and to said Norand Corporation Patent Property including the patents and patent applications set forth in the attached PATENT LIST of APPENDIX A and in the attached PATENT APPLICATION LIST of APPENDIX B, together with any and all substitute, divisional and continuation applications, and any and all Letters Patent of the United States and foreign countries which may be obtained based thereon, and in any reissues, reexaminations or extensions of such Letters Patent, and further assigns to said Assignee the priority rights provided by the International Convention.

The Assignor further assigns to the Assignee the right to sue for past infringement of any and all such Letters Patent.

The Assignor hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States, and the corresponding individual and/or entity of foreign countries, to issue said Letters Patent to said Assignee.

The Assignor warrants itself to be the owner of the entire right, title and interest in said inventions or improvements and to have the right to make this assignment, and further warrants that there are no outstanding prior assignments, licenses, or other encumbrances on the interest hereby assigned.

For said consideration the Assignor hereby agrees, upon the request and at the expense of said Assignee, its successors and assigns, to execute any and all divisional, continuation and substitute applications for said inventions or improvements, and any necessary oath, affidavit or declaration relating thereto, and any application for the reissue, reexamination or extension of any Letters Patent that may be granted upon said applications, and any and all applications and other documents for Letters Patent in foreign countries on said inventions or improvements, that said Assignee, its successors or assigns may deem necessary or expedient, and for the said considerations the Assignor authorizes said Assignee to apply for Letters Patent for said inventions or improvements in its own name in such countries where such procedure is proper and further agrees, upon the request of said Assignee, its successors and assigns, to cooperate to the best of the ability of the Assignor with said Assignee, its successors and assigns, in any proceedings or transactions involving such applications or Letters Patent, including the preparation and execution of preliminary statements, giving and producing evidence, and performing any and all other acts necessary to obtain said Letters Patent, both United States and foreign, and vest all

Letters Patents will be held and enjoyed by the said Assignee, its successors and assigns, to the full end of the term for which said Letters Patent will be granted, as fully and entirely as the same would have been held and enjoyed by the Assignor if this Assignment has not been made.

WITNESS my hand and seal this 21 day of JULY, 1999.

INTERMEC TECHNOLOGIES CORPORATION

By M. Michael Carpenter  
M. Michael Carpenter, Assistant Secretary

State of California

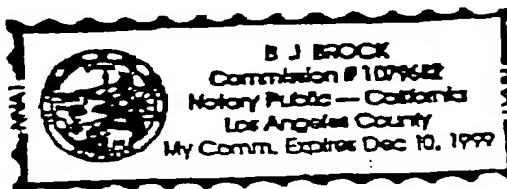
County of Los Angeles

On July 21, 1999 before me B. J. Brock, a Notary Public, personally appeared M. Michael Carpenter, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

B. J. Brock  
Notary Public

My Commissioner Expires: 12-10-99



## PATENT LIST

<u>Pat. No.</u>	<u>Title</u>
-----------------	--------------

5,410,141 Hand-held data capture system with interchangeable modules

5,834,753 Laser scanner module having integral interface with hand-held data capture terminal  
proximity and label sensing, and enhanced sensitivity and power efficiency

## SUPPLEMENTAL DECLARATION FOR PATENT APPLICATION

Case No. 14366US02

Serial No. 10/646,318

Inventors: Ronald L. Mahany  
Stephen J. Kelly

Filing Date: 08/22/2003

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **HAND-HELD DATA CAPTURE SYSTEM WITH INTERCHANGEABLE MODULES**, the specification of which

(check one) ☐ is attached hereto.

☒ [X] was filed on August 22, 2003, as Application Serial No. 10/646,318

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)			<u>Priority Claimed</u>
			Yes/No
(Number)	(Country)	(Date Filed)	

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

(Application Serial No.)	(Filing Date)
--------------------------	---------------

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application or any international application designating the United States under Title 35, United

States Code, §365 listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56, regarding events which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

- U.S. Serial No. 08/478,488 filed June 7, 1995
- U.S. Serial No. 08/360,014 filed December 20, 1994
- U.S. Serial No. 07/777,393, now U.S. Patent 5,410,141, filed June 7, 1990, which is the U.S.A. national phase of International Application No. PCT/US/90/03282
- U.S. Serial No. 07/364,902, filed June 8, 1989
- U.S. Serial No. 07/364,594 filed June 7, 1989
- U.S. Serial No. 08/040,313, now U.S. Patent 5,468,947, filed March 29, 1993
- U.S. Serial No. 07/451,322, now U.S. Patent 5,227,614, filed December 15, 1989
- U.S. Serial No. 07/143,921, filed January 14, 1988
- U.S. Serial No. 07/707,954, filed May 22, 1991
- U.S. Serial No. 07/339,330, filed April 14, 1989
- U.S. Serial No. 07/744,813, filed August 12, 1991

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

First named inventor:

Full name Ronald L. Mahany

Inventor's Signature Ronald L. Mahany Date Oct 20, 2004

Address by Pam Mahany now known as Pam Mahany Tucker  
(executor of the estate of Ronald L. Mahany)

3603 Caribou Ct NE Cedar Rapids, IA 52402

Citizenship USA

Second named inventor:

Full name Stephen J. Kelly

Inventor's Signature Step J Kelly Date 10/20 . 2004

Address 1870 Sugaridge Dr, Marion IA 52302

Citizenship USA

## SECOND SUPPLEMENTAL DECLARATION FOR PATENT APPLICATION

Case No. 14366US02

Serial No. 10/646,318

Inventors: Ronald L. Mahany  
 Keith K. Cargin  
 Stephen J. Kelly

Filing Date: 08/22/2003

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **HAND-HELD DATA CAPTURE SYSTEM WITH INTERCHANGEABLE MODULES**, the specification of which

(check one) ☐ is attached hereto.

☒ was filed on August 22, 2003, as Application Serial No. 10/646,318

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)			<u>Priority Claimed</u>
(Number)	(Country)	(Date Filed)	Yes/No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

(Application Serial No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application or any international application designating the United States under Title 35, United



States Code, §365 listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56, regarding events which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Serial No. 08/478,488 filed June 7, 1995  
U.S. Serial No. 08/360,014 filed December 20, 1994  
U.S. Serial No. 07/777,393, now U.S. Patent 5,410,141, filed June 7, 1990, which is the U.S.A. national phase of International Application No. PCT/US/90/03282  
U.S. Serial No. 07/364,902, filed June 8, 1989  
U.S. Serial No. 07/364,594 filed June 7, 1989  
U.S. Serial No. 08/040,313, now U.S. Patent 5,468,947, filed March 29, 1993  
U.S. Serial No. 07/451,322, now U.S. Patent 5,227,614, filed December 15, 1989  
U.S. Serial No. 07/143,921, filed January 14, 1988  
U.S. Serial No. 07/707,954, filed May 22, 1991  
U.S. Serial No. 07/339,330, filed April 14, 1989  
U.S. Serial No. 07/744,813, filed August 12, 1991

**I have been informed that inventor Keith K. Cargin has refused to sign a declaration respecting this patent application. For that reason, I am making this declaration on my own behalf and on behalf of non-signing inventor Keith K. Cargin.**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**First named inventor:**

Full name Ronald L. Mahany

Inventor's Signature *Ronald L. Mahany*  
*Pamela Mahany Lecker*  
*Admin. of estate (trustee)* Date 8/24/05, 2005

Address 3133 Adirondack Dr. NE. Cedar Rapids IA 52402

Citizenship USA

**Second named inventor:**

Full name Stephen J. Kelly

Inventor's Signature Steph J Kelly Date 9/8/, 2005

Address 1870 Sugaridge Dr. Marion, IA 52302

Citizenship USA

**Third named inventor:**

Full name Keith K. Cargin

Inventor's Signature \_\_\_\_\_ Date                     , 2005

Address 3219 Blue Ridge Drive NE, Cedar Rapids, Iowa 52402

Citizenship USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 14366US02

***In the Application of:***

Ronald L. Mahany and  
Stephen J. Kelly

***U.S. Serial No.:*** 10/646,318

***Filed:*** August 22, 2003

***For:*** HAND-HELD DATA CAPTURE  
SYSTEM WITH  
INTERCHANGEABLE MODULES

***Examiner:*** Tremblay, Mark Stephen

***Group Art Unit:*** 2876

***Confirmation No.:*** 9697

***Express Mail No.*** EV304941648US

***Dated:*** November 28, 2005

**Declaration of Ronald H. Spuhler**

I, Ronald H. Spuhler, declare the following:

1. I am an attorney of record in this application. I have been directly involved in preparing and prosecuting the present patent application. I am making this declaration to show facts in support of a petition, under 37 CFR § 1.47(a) and 37 CFR § 1.183, requesting the Director to accept the enclosed Second Supplemental Combined Declaration and Power of Attorney, which has been executed on behalf of Keith Cargin, who has refused to execute any declaration.

2. The present application names two joint inventors – Ronald Mahany and Stephen Kelly. Inventors Mahany (by and through his widow) and Kelly have executed the enclosed Second Supplemental Combined Declaration and Power of Attorney.

3. A Notice of Informal Application was sent to McAndrews, Held & Malloy, Ltd. on April 20, 2004, stating that a new oath or declaration was required due to the original declaration's failure to identify the citizenship of each inventor.

4. Upon receiving the Notice of Informal Application, my colleague, Ronald Larson, and I contacted Jack Sherman, Intermec's in-house counsel, who filed all of the prior related applications and was intimately involved in the prosecution of each of these cases. Mr. Sherman informed us of his belief that Mr. Cargin should be a named inventor in this case.

5. In July 2004, Mr. Larson and I also contacted several of the twelve inventors listed on the original declaration of the grandparent application to determine their roles, if any, in the conception and reduction to practice of the current invention. These inventors also confirmed Mr. Cargin's role in inventing the claimed subject matter.

6. Mr. Larson and I attempted to contact Mr. Cargin, at home and at work, on no fewer than three occasions, leaving a message each time. Mr. Cargin did not respond to any of our messages.

7. On October 20, 2004, the undersigned sent an e-mail to Mr. Cargin reiterating that the original declaration was rejected for failure to include citizenship and that if he was in fact an inventor, Mr. Cargin needed to sign the Supplemental Declaration that was attached. A paper copy of this e-mail is attached as Exhibit 1. Mr. Cargin did not respond to this e-mail.

8. On October 25, 2004, the undersigned sent an e-mail to Mr. Cargin noting that no response had been received and again asking Mr. Cargin to

contact the undersigned. A paper copy of this e-mail is attached as Exhibit 2. Mr. Cargin did not sign the Declaration or contact the undersigned.

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12. In the beginning of April, 2005, the undersigned received confirmation of delivery of the March 29, 2005 mailing. The return receipt was signed by L.S. Haas, a Rockwell Collins mailroom employee. The listed delivery date was March 31, 2005.

13. Upon information and belief, Ms. Personick left several messages with Mr. Cargin at his office attempting to confirm Mr. Cargin's receipt of the March 29, 2005 mailing and attempting to discuss Mr. Cargin's involvement in

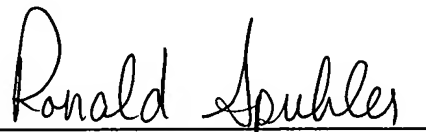
inventing the claimed subject matter. Mr. Cargin did not return any of Ms. Personick's phone calls.

14. Upon information and belief, Ms. Personick spoke with several employees at Rockwell Collins, Mr. Cargin's listed place of business, and confirmed that Mr. Cargin was still employed with the company.

15. Upon information and belief, on April 14, 2005, Ms. Personick spoke with several employees of the Rockwell Collins mail department and ascertained that the March 29, 2005 mailing to Mr. Cargin was received by the mail department and internally sent to Mr. Cargin's mail station on March 31, 2005.

16. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further assert that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date November 27, 2005

  
\_\_\_\_\_  
Ronald H. Spuhler  
Reg. No. 52,245  
Attorney for Applicant

McAndrews, Held & Malloy, Ltd.  
500 West Madison Street  
Chicago, Illinois 60661  
Telephone: (312) 775-8000



## Exhibit A

-----Original Message-----

**From:** Hank (Ronald) Spuhler  
**Sent:** Wednesday, October 20, 2004 12:02 PM  
**To:** 'kkcargin@rockwellcollins.com'  
**Subject:** RE: Intermec

Keith

I haven't been able to reach you thus far by telephone, so thought I would try by e-mail. Attached is a Supplemental Declaration for your execution (as mentioned in my voicemails, the original declaration was rejected by the Patent Office because it did not include your citizenship). Please fill out the relevant sections on page 5 and either fax (312/775-8100) or e-mail it back to me. This is an extremely urgent matter, so I would appreciate it greatly if you could handle this issue as soon as possible.

Please feel free to call me with any questions and thanks in advance for your help.

Hank



14366US02 Supp  
Declaration.doc...

## Exhibit B

-----Original Message-----

**From:** Hank (Ronald) Spuhler  
**Sent:** Monday, October 25, 2004 2:35 PM  
**To:** 'kkcargin@rockwellcollins.com'  
**Subject:** RE: Intermec

Keith

Still have not heard back from you. Could you please give me a call at your earliest convenience so that we can discuss your contribution, if any, to this case. Thanks much.

Hank

-----Original Message-----

**From:** Hank (Ronald) Spuhler  
**Sent:** Wednesday, October 20, 2004 12:02 PM  
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Please feel free to call me with any questions and thanks in advance for your help.

Hank

<< File: 14366US02 Supp Declaration.doc >>



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Attorney Docket No. 14366US02

***In the Application of:***

Ronald L. Mahany and  
Stephen J. Kelly

***U.S. Serial No.:*** 10/646,318

***Filed:*** August 22, 2003

***For:*** HAND-HELD DATA CAPTURE  
SYSTEM WITH  
INTERCHANGEABLE MODULES

***Examiner:*** Tremblay, Mark Stephen

***Group Art Unit:*** 2876

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 28, 2005.

By: Ronald H. Spuhler  
Ronald H. Spuhler  
Reg. No. 52,245

***Express Mail Label No.*** EV304941648US

**PETITION UNDER 37 CFR § 1.183**

As discussed in more detail in Applicants' petitions under 37 CFR §§ 1.47 and 1.48 (those petitions being incorporated herein), Applicants submit this petition to request that the Director waive the requirements of 37 CFR 1.48 and allow prosecution of the present application to proceed without the involvement of Keith Cargin.

In December 2002, Broadcom Corporation acquired numerous patents and patent applications from Intermec Technologies. As a result of this transaction, Broadcom acquired ownership of the current application. On October 20, 2004, Ronald Spuhler, attorney for Broadcom Corporation, submitted a Supplemental Oath and Declaration listing two joint inventors – Ronald Mahany and Stephen Kelly. Thereafter, it came to Broadcom's attention that a third inventor, Keith Cargin, should be named as an inventor in the present application. Jack Sherman, Intermec's in-house counsel and the attorney that previously prosecuted this family of cases, confirmed that he believes that Mr. Cargin should be a named inventor.

As described in further detail in Mr. Spuhler's declaration, a copy of which is attached hereto as Exhibit A, Mr. Spuhler has made numerous attempts to contact Mr.

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Cargin to confirm his role in conceiving and/or reducing to practice the current invention and to request that Mr. Cargin execute a Declaration and Power of Attorney. Such attempts, however, have been futile. Mr. Cargin has failed to return any phone calls or respond to any letters, and to date Mr. Cargin has yet to execute any documents.

Applicants have previously submitted their petitions under 37 CFR §§ 47 and 48, but these petitions were dismissed because Applicants have allegedly not complied with section (2) of Rule 48, which requires a statement from Mr. Cargin that his omission occurred without deceptive intent. Because Mr. Cargin refuses to communicate with Applicants' attorney, however, Applicants cannot submit such a statement. (A copy of the decision is attached as Exhibit B.) Applicants believe that their Rule 47 and Rule 48 petitions and corresponding exhibits provide adequate background to illustrate that Mr. Cargin's omission was not done with deceptive intent.

As such, Applicants request that the Director waive any requirement under 37 CFR 48 that requires involvement of Mr. Cargin, including specifically subsection (2), which requires a statement from Mr. Cargin that his omission occurred without deceptive intent.

The fee for this petition is understood to be \$400.00. 37 CFR § 1.17(f). Please charge this fee, and any additional fee presently required, to Deposit Account 13-0017.

Respectfully submitted,  
McAndrews, Held & Malloy, Ltd.

Dated: November 28, 2005

By: Ronald H. Spuhler  
Ronald H. Spuhler  
Reg. No. 52,245  
Attorney for applicant(s)

McAndrews, Held & Malloy, Ltd.  
34<sup>th</sup> Floor  
500 West Madison Street  
Chicago, IL 60661  
312/775-8000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 14366US02

***In the Application of:***

Ronald L. Mahany and  
Stephen J. Kelly

***U.S. Serial No.:*** 10/646,318

***Filed:*** August 22, 2003

***For:*** HAND-HELD DATA CAPTURE  
SYSTEM WITH  
INTERCHANGEABLE MODULES

***Examiner:*** Tremblay, Mark Stephen

***Group Art Unit:*** 2876

***Confirmation No.:*** 9697

***Express Mail No.*** EV304941648US

***Dated:*** November 28, 2005

**Declaration of Ronald H. Spuhler**

I, Ronald H. Spuhler, declare the following:

1. I am an attorney of record in this application. I have been directly involved in preparing and prosecuting the present patent application. I am making this declaration to show facts in support of a petition, under 37 CFR § 1.47(a) and 37 CFR § 1.183, requesting the Director to accept the enclosed Second Supplemental Combined Declaration and Power of Attorney, which has been executed on behalf of Keith Cargin, who has refused to execute any declaration.

2. The present application names two joint inventors – Ronald Mahany and Stephen Kelly. Inventors Mahany (by and through his widow) and Kelly have executed the enclosed Second Supplemental Combined Declaration and Power of Attorney.

3. A Notice of Informal Application was sent to McAndrews, Held & Malloy, Ltd. on April 20, 2004, stating that a new oath or declaration was required due to the original declaration's failure to identify the citizenship of each inventor.

4. Upon receiving the Notice of Informal Application, my colleague, Ronald Larson, and I contacted Jack Sherman, Intermec's in-house counsel, who filed all of the prior related applications and was intimately involved in the prosecution of each of these cases. Mr. Sherman informed us of his belief that Mr. Cargin should be a named inventor in this case.

5. In July 2004, Mr. Larson and I also contacted several of the twelve inventors listed on the original declaration of the grandparent application to determine their roles, if any, in the conception and reduction to practice of the current invention. These inventors also confirmed Mr. Cargin's role in inventing the claimed subject matter.

6. Mr. Larson and I attempted to contact Mr. Cargin, at home and at work, on no fewer than three occasions, leaving a message each time. Mr. Cargin did not respond to any of our messages.

7. On October 20, 2004, the undersigned sent an e-mail to Mr. Cargin reiterating that the original declaration was rejected for failure to include citizenship and that if he was in fact an inventor, Mr. Cargin needed to sign the Supplemental Declaration that was attached. A paper copy of this e-mail is attached as Exhibit 1. Mr. Cargin did not respond to this e-mail.

8. On October 25, 2004, the undersigned sent an e-mail to Mr. Cargin noting that no response had been received and again asking Mr. Cargin to

contact the undersigned. A paper copy of this e-mail is attached as Exhibit 2.

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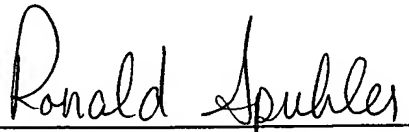
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Date November 27, 2005

  
\_\_\_\_\_  
Ronald H. Spuhler  
Reg. No. 52,245  
Attorney for Applicant

McAndrews, Held & Malloy, Ltd.  
500 West Madison Street  
Chicago, Illinois 60661  
Telephone: (312) 775-8000



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Hank



14366US02 Supp  
Declaration.doc...

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<< File: 14366US02 Supp Declaration.doc >>



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SEP 26 2005

OFFICE OF PETITIONS

MCANDREWS HELD & MALLOY, LTD  
500 WEST MADISON STREET  
SUITE 3400  
CHICAGO, IL 60661

RESPONSE DUE  
NOV 26, 2005

In re Application of	:	DECISION REFUSING STATUS
Mahany, et al.	:	UNDER 37 CFR 1.47(a)
Application No. 10/646,318	:	AND DISMISSING PETITION
Filed: August 22, 2003	:	UNDER 37 CFR 1.48
Atty. Dkt. 14366US02	:	

This decision is in response to the renewed petitions under 37 CFR 1.48 and 37 CFR 1.47(a), filed August 11, 2005.

**DECISION UNDER 37 CFR 1.47(a)**

Petitioners herein seek to amend the above-identified application to include Keith Cargin, however, petitioners' allege that Cargin has refused to sign an oath.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Decision under 37 CFR 1.47 is hereby HELD IN ABEYANCE until such time as the requirements of 37 CFR 1.48 are satisfied.

**DECISION UNDER 37 CFR 1.48(a)**

Petitioners herein request correction of the inventorship of the instant application.

Correction of inventorship pursuant to 37 CFR 1.48(a) requires: (1) a request to correct the inventorship that sets forth the desired inventorship change; (2) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) an oath or declaration by the actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR §§ 1.42, 1.43 or 1.47; (4)

the processing fee set forth in 37 CFR 1.17(i); and (5) if an assignment has been executed by any of the original inventors, the written consent of the assignee.

The instant petition fails to satisfy requires (2) and (3) set forth above.

As to item (2), the requirement for a statement from the person being added has not been satisfied. Accordingly, any renewed petition under 37 CFR 1.48 must be accompanied by the required statement or petition for waiver of the required statement under 37 CFR 1.183.

As to item (3), a fully executed oath or declaration has not been submitted. In order to satisfy the oath or declaration of 37 CFR 1.63, petitioners are required to present a fully executed oath or declaration or a grantable petition under 37 CFR 1.47.

For the reasons set forth herein, the petition under 37 CFR 1.48(a) is **DISMISSED**.

Petitioner is given **TWO (2) MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Renewed Petition," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).


Further correspondence with respect to this matter should be addressed as follows:

By mail: **Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

By hand: U.S. Patent and Trademark Office  
Customer Service Window  
Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'Alesia M. Brown', with a stylized, flowing script.

Alesia M. Brown  
Petitions Attorney  
Office of Petitions

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